

HOUSE BILL REPORT

HB 1358

As Reported by House Committee On:
Judiciary

Title: An act relating to recidivism reduction through discharge of convicted felons.

Brief Description: Regarding recidivism reduction through discharge of convicted felons.

Sponsors: Representatives Flannigan, Jarrett, Grant, Walsh, Kirby, Appleton, Kagi, Pettigrew, Darneille, Lovick, Lantz, Fromhold, Haigh, Hasegawa, Kenney, McIntire and Chase.

Brief History:

Committee Activity:

Judiciary: 2/2/05, 2/11/05 [DPS].

Brief Summary of Substitute Bill

- Allows an offender to be discharged from his or her sentence before paying off all legal financial obligations if the offender has met all other sentence requirements and has made and is currently making reasonable efforts to satisfy the legal financial obligations.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Kirby, Springer and Wood.

Minority Report: Do not pass. Signed by 4 members: Representatives Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell and Serben.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

When a defendant is convicted of a crime, the court may impose financial obligations as part of the judgment and sentence. These legal financial obligations (LFOs) may include: victim restitution; crime victims' compensation fees; court costs; court-appointed attorneys' fees and costs of defense; fines; and other costs associated with the offense or sentence. The court establishes the amount per month the offender is required to pay. The LFOs are enforceable the same as money judgments in civil actions.

When an offender has completed all requirements of his or her sentence, including payment of all LFOs, the sentencing court issues a certificate of discharge to the offender. Upon receiving a certificate of discharge, the offender's civil rights, except the right to bear arms, are restored. Among the civil rights restored are the right to vote, serve on a jury, and hold public office.

Summary of Substitute Bill:

The Legislature finds that successful reentry and reintegration of previously incarcerated persons is important for public safety and healthy communities. The Legislature further finds that receipt of a certificate of discharge is critical to the person's reintegration into society and avoidance of recidivism.

An offender may be considered discharged from his or her sentence before completing payment of LFOs if the offender:

- has met all other sentence requirements; and
- has made, and is currently making, reasonable efforts to satisfy LFOs according to his or her ability to pay.

"Reasonable efforts" means the offender has demonstrated consistent attempts to make payments over the previous consecutive 24 months.

Discharge does not change the offender's liability for LFOs or the court's jurisdiction over the offender for collection and compliance purposes.

Substitute Bill Compared to Original Bill:

The substitute bill adds the definition of "reasonable efforts."

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Recidivism rates are increasing, and the costs of incarceration are eating into funds that should be going to health care and education. An entire family is affected when one member of the family ends up in prison. Clearing some of the hurdles that exist for offenders trying to reintegrate into society will help reduce recidivism. This bill is just one way of helping to solve recidivism. The certificate of discharge is important for an offender when applying for jobs or getting housing. This might help increase in the collection of legal financial obligations because it will make it easier for offenders to find jobs. It's not fair that people who have money can get their discharge certificate because they can pay off

their financial obligations, but people without money cannot. Offenders will still be required to satisfy all other requirements of their sentence, like confinement and community time.

(In support with concerns to original bill) Restoring a person's right is very complex. An offender's voting rights should be automatically restored after the offender has completed supervision with the Department of Corrections.

(With concerns to original bill) The Crime Victims' Compensation Account is already running on a deficit. The bill should have a sunset clause so the Legislature could review whether the bill has the desired outcome and what fiscal impact it ends up having on victim restitution. If legal financial obligations become enforceable as civil judgments, courts will lose the ability to threaten the offender with contempt of court.

Testimony Against: None.

Persons Testifying: (In support of original bill) Representative Flannigan, prime sponsor; Daniel Clark, Transition and Reentry Reform Coalition; and Roger Kluck, Friends Commission on Public Policy.

(In support with concerns to original bill) Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs.

(With concerns to original bill) Jennifer Shaw, American Civil Liberties Union; and Debbie Wilke, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.